S.B. Civil Writ Petition No.2062/06
Jagdish Prasad Agdayamawar Vs. State & Ors.

Date of Order : 12/04/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. P.K. Sharma, for petitioner

Instant petition has been filed against the order of suspension passed by the respondents vide order dt.1st March, 2006 [Ann.9].

The petitioner while serving as Executive Officer on a complaint one case u/s.7, 13 (1)(d)(2) of Prevention of Corruption Act, 1988 & 120B IPC was registered against him and sanction for prosecution has also been accorded by the competent authority on 21st October, 2005. Taking into consideration the said material, the authority has passed order placing him under suspension vide order dt.1st March, 2006.

Counsel for petitioner submits that merely because sanction for prosecution has been accorded by the authority that cannot be a ground to place the him under suspension and moreso when others who are involved along with him no sanction for prosecution was granted by the authority.

In my opinion, placing the petitioner under suspension is only to detain him from working in the department and is not a punishment and in such like cases where the person is facing charges under Anti-Corruption Act and the authority has granted sanction for prosecution after due application of mind and took decision to place him under suspension, I find no error in the said decision. However, the order passed by the respondents is appealable under Rule 22 of the Rules of 1958. The petitioner will be free to file appeal, if so advised.

Consequently, the writ petition fails and is hereby dismissed.

[Ajay Rastogi],J.

FRB